

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

JUL - 1 2010

U. S. DISTRICT COURT
E. DIST. OF MO.
ST. LOUIS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
V.)
)
LELAND BEASLEY,)
)
Defendant.)

No. S2-4:10 CR 119 CEJ

SECOND SUPERSEDING INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));

(b) "sexually explicit conduct" to mean actual or simulated

(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C.

§2256(2)(A)); and

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6)).

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about March 1, 2006, and on or about January 5, 2009, in the Eastern District of Missouri, and elsewhere,

LELAND BEASLEY,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, B.N., to engage in sexually explicit conduct, specifically, Leland Beasley video recorded B.N. in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: video images of B.N. in a lascivious display

of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a Sony Handycam video camera, In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about March 1, 2006, and on or about January 5, 2009, in the Eastern District of Missouri, and elsewhere,

LELAND BEASLEY,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, K.A., to engage in sexually explicit conduct, specifically, Leland Beasley video recorded K.A. in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: video images of K.A. in a lascivious display of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a Sony Handycam video camera, In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT III

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about March 1, 2006, and January 5, 2009, within the Eastern District of Missouri, and elsewhere,

LELAND BEASLEY,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, R.B., to engage in sexually explicit conduct, specifically, Leland Beasley video recorded R.B. in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: video images of R.B. in a lascivious display of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a Sony Handycam video camera, In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT IV

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about March 1, 2006, and January 5, 2009, within the Eastern District of Missouri, and elsewhere,

LELAND BEASLEY,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, T.R., to engage in sexually explicit conduct, specifically, Leland Beasley video recorded T.R. in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: video images of T.R. in a lascivious display of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a Sony Handycam video camera, In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT V

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about March 1, 2006, and January 5, 2009, within the Eastern District of Missouri, and elsewhere,

LELAND BEASLEY,

the defendant herein, did knowingly attempt to employ, use, persuade, induce, entice, and coerce a minor, R.I., to engage in sexually explicit conduct, specifically, Leland Beasley attempted to video record R.I. in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: video images of R.I. in a lascivious display of his genitals, and such attempted depictions were produced using materials

that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a Sony Handycam video camera,

In violation of Title 18, United States Code, Sections 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT VI

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about March 1, 2006, and on or about January 5, 2009, within the Eastern District of Missouri, and elsewhere,

LELAND BEASLEY,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, Victim A, to engage in sexually explicit conduct, specifically, Leland Beasley video recorded Victim A in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: video images of Victim A in a lascivious display of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a Sony Handycam video camera,

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT VII

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about March 1, 2006, and on or about January 5, 2009, within the Eastern District of Missouri, and elsewhere,

LELAND BEASLEY,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, Victim B, to engage in sexually explicit conduct, specifically, Leland Beasley video recorded Victim B in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: video images of Victim B in a lascivious display of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a Sony Handycam video camera,

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT VIII

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about April 11, 2002, and January 5, 2009, within the Eastern District

of Missouri, and elsewhere,

LELAND BEASLEY,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, M.T., to engage in sexually explicit conduct, specifically, Leland Beasley video recorded M.T. in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: video images of M.T. in a lascivious display of his genitals, and of defendant performing oral sex and anal sex on M.T. and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a Sony Handycam video camera and video tapes, In violation of Title 18, United States Code, Sections 2251(a) and punishable under Title 18, United States Code, Section 2251(d) (2002).

COUNT IX

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2005, and January 5, 2009, within the Eastern District of Missouri, and elsewhere,

LELAND BEASLEY,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, Victim C, to engage in sexually explicit conduct, specifically, Leland Beasley video recorded Victim C in a lascivious display of his genitals, and said sexually explicit conduct was for the

purpose of producing a visual depiction of such conduct and such visual depiction was actually transported in interstate commerce,

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT X

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about March 1, 2006, and January 5, 2009, within the Eastern District of Missouri, and elsewhere,

LELAND BEASLEY,

the Defendant herein, did knowingly possess material that contained an image of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit, CDs, said CDs having been produced outside Missouri and therefore having traveled in interstate and foreign commerce, and the CDs contained child pornography, including but not limited to, the following:

1. “VHS2_02(not sure)Boy 13yo Ties Up and Tortures 11yo In Bath .3gp” - a video file depicting a minor male binding another minor male’s hands, placing clothes pins on his genitals, and inserting his penis into the minor male’s mouth; and

2. “KDV 38 (complete).mpg” - a video file depicting a minor male performing oral sex on another minor male and a minor male inserting his penis into the rectum of another minor male,

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2(a), and punishable under Title 18, United States Code, Section 2252A(b)(2).

COUNT XI

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about March 1, 2006, and January 5, 2009, within the Eastern District of Missouri, and elsewhere,

LELAND BEASLEY,

the Defendant herein, did knowingly possess material that contained an image of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit, CDs, said CDs having been produced outside Missouri and therefore having traveled in interstate and foreign commerce, and the CDs contained child pornography, including but not limited to, the following:

1. “helpless_boy.avi” - a video file of a male inserting his penis into the rectum of a minor male; and
2. “002_2.jpg” - an image file of a minor male in a lascivious display of his genitals,

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2(a), and punishable under Title 18, United States Code, Section 2252A(b)(2).

A TRUE BILL.

FOREPERSON

RICHARD G. CALLAHAN
United States Attorney

ROBERT F. LIVERGOOD, #22937
Assistant United States Attorney